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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/732,971	12/11/2003	Randall W. Sencaj	DP-309792	8573
22851	7590	02/21/2006	EXAMINER	
DELPHI TECHNOLOGIES, INC.			TO, TUAN C	
M/C 480-410-202			ART UNIT	
PO BOX 5052			PAPER NUMBER	
TROY, MI 48007			3663	

DATE MAILED: 02/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/732,971

Applicant(s)

SENCAJ ET AL.

Examiner

Tuan C. To

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 and 39-44 is/are pending in the application.
- 4a) Of the above claim(s) 1-13, 27-31 and 39-44 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of Group II, claims 14-26 in the reply filed on 12/01/2005 is acknowledged. The traversal is on the ground(s) that the restriction requirement is not proper since the applicant argued the navigation system of Group II must carry out the method of Group I and use the medium of Group III, and the applicant further argues that the restriction requirement unduly burdens applicants by requiring them to file and prosecute multiple applications.

This is not found persuasive because the following:

The examiner not only showed separate classification but also the reasoning why said group were restrictable (i.e, process/apparatus and product/process of use). It is important to note that the process as claimed can be practiced by a materially different apparatus, for example, a vehicle apparatus of providing user a recommend route transmitted from a traffic management center in response to a user's request. In addition, the claimed product is a processor-readable medium that can be used in a process of monitoring whether the vehicle deviates from the recommended route.

The applicant does not argue that the groups are not separable, but rather argues that the restriction requirement unduly burdens applicants by requiring them to file and prosecute multiple applications. This is not persuasive because the inventions are distinct and have separate status in the art. It is means the restriction is proper and the applicant is required to elect one invention for examination. It should be noted that

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a burden to examiner exists when more than one invention is claimed and requires numerous class/subclass searches.

The requirement is still deemed proper and is therefore made FINAL.

An action on claims 14-26 follows:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 14-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Millington (U.S. 6397145B1).

With respect to claim 14, the U.S Patent No. '145B1 to Millington has been cited as teaching a typical navigation system and method for guiding driver from one position to a destination via the maneuver instruction, in which a position of the vehicle is determined by the GPS receiver (Millington, Figure 1, GPS receiver 38; column 3, lines 47-65), a route segment on which the vehicle is located as a function of the position of the vehicle (Millington, Figure 2, vehicle 52, recommended route 61), said route segment is identified using the graphic user interface as shown in figure 2 of Millington. As illustrated in column 4, lines 2-25, Millington teaches that one user can uses the input device (28) for entering a specific destination relative to the database (36) of roads, and the navigation system (20) then displays a recommended route as well as turn-by-turn instructions to the user. Millington further a data storage device (34), which is shown in figure 1, contains a database (36) including a map of all the roads in the area to be traveled by the vehicle (Millington, column 3, lines 33-46). The GPS receiver and the storage device as discussed above coupled to a processor (32). Millington further disclose "a second GUI screen that comprises a previous segment". For example, figure 4 shows the first GUI screen includes the sequence (or segments) A and B, then when the second GUI screen displayed in figure 5, the segment B starts before the segment C.

With regard to claim 15, Millington teaches that the user is provided a turn-by-turn instructions and the display of a different one of the route segments (Millington, column 4, lines 12-65).

With regard to claim 16, the graphic display as represented by Millington comprises a display area having a top edge and the vehicle icon (52) (Millington, figure 2, display 24, vehicle icon 52) rendered within the display (24).

With regard to claim 17, the graphic display as disclosed by Millington shows that the vehicle icon (52) is at center of the display area (the graphic display as represented by Millington).

With regard to claim 18, Millington teaches the following: "the map display view 50 can also display a movable vehicle icon 52 relative to a constant heading display 24 (such as North up), based upon user preference" (Millington, column 4, lines 12-25).

With regard to claim 19, Millington discloses that the user can uses the input device (28) for entering a specific destination relative to the database (36) of roads, and the navigation system (20) then displays a recommended route as well as turn-by-turn instructions to the user.

With regard to claim 20, Millington discloses that the user can uses the input device (28) for entering a specific destination relative to the database (36) of roads.

With respect to claim 21, the U.S Patent No. '145B1 to Millington has been cited as teaching a typical navigation system and method for guiding driver from one position to a destination via the maneuver instruction, in which a position of the vehicle is determined by the GPS receiver (Millington, Figure 1, GPS receiver 38; column 3, lines 47-65), a route segment on which the vehicle is located as a function of the position of the vehicle (Millington, Figure 2, vehicle 52, recommended route 61), said route segment is identified using the graphic user interface as shown in figure 2 of Millington.

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As illustrated in column 4, lines 2-25, Millington teaches that one user can use the input device (28) for entering a specific destination relative to the database (36) of roads, and the navigation system (20) then displays a recommended route as well as turn-by-turn instructions to the user. Millington further discloses a data storage device (34), which is shown in figure 1, contains a database (36) including a map of all the roads in the area to be traveled by the vehicle (Millington, column 3, lines 33-46). The GPS receiver and the storage device as discussed above are coupled to a processor (32). It is clearly to see Millington disclose a plurality of route segments via the display screen of figure 4 then via the display screen of figure 5. Millington further discloses "display a second GUI screen in response to the user input, said second GUI screen comprising one of a previous route segment and a subsequent route segment that does not include the location of the vehicle". Millington shows the second display screen (figure 5) showing a previous segment B that has been seen in the previous GUI screen (see figure 4) and also another route segment (54') that does not include the location of the vehicle.

With regard to claim 22, Millington teaches that the user is provided a turn-by-turn instructions and the display of a different one of the route segments (Millington, column 4, lines 12-65).

With regard to claim 23, the graphic display as represented by Millington comprises a display area having a top edge and the vehicle icon (52) (Millington, figure 2, display 24, vehicle icon 52) rendered within the display (24).

With regard to claim 24, the graphic display as disclosed by Millington shows that the vehicle icon (52) is at center of the display area (the graphic display as represented by Millington).

With regard to claim 25, Millington teaches the following: "the map display view 50 can also display a movable vehicle icon 52 relative to a constant heading display 24 (such as North up), based upon user preference" (Millington, column 4, lines 12-25).

With regard to claim 26, Millington discloses that the user can use the input device (28) for entering a specific destination relative to the database (36) of roads.

With regard to claim 26, Millington further teaches: "the input device comprises at least one of keypad, a knob, and an audio input device" (see Millington, figure 2 shows at least one input device).

Response to Arguments

In response to the applicant's amendment, the reference to Millington has been found to read on the limitation "determine a second GUI screen that comprises a previous route segment or a subsequent route segment that does not include the identified route segment", "determine a plurality of route segments for a route and a plurality of GUI screens such that each route segment is represented in a GUI screen", "a second GUI screen in response to the user input, said second GUI screen comprising one of a previous route segment and a subsequent route segment that does not include the location of the vehicle". In Millington patent, figure 4 is first representing a first GUI screen including the segments A and B, then figure 5 is next representing a second GUI

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screen including the segments B and C and another route segment that does not include the location of the vehicle.

For that reason, claims 14-26 are still rejectable and therefore the application is set a condition of final.

Conclusions

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan C To whose telephone number is (571) 272-6985. The examiner can normally be reached on from 8:00AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on 571-272-6878.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/tc

February 13, 2006


JACK KEITH
SUPERVISORY PATENT EXAMINER